

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

03-cr-171-jcs

v.

SHANE BRADLEY,

Defendant.

Defendant Shane Bradley has filed a notice of appeal from the order entered in this case on August 31, 2009, denying his motion pursuant to Fed. R. Crim. P. 36 to correct clerical mistakes in his presentence report, which was prepared in May 2004. Defendant has not paid the \$455 filing fee, which makes it necessary to decide whether he is entitled to proceed on appeal in forma pauperis. According to 28 U.S.C. § 1915(a), a defendant who is found eligible for court-appointed counsel in the district court proceedings may proceed on appeal in forma pauperis without further authorization “unless the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed.” Defendant had court-appointed counsel during the criminal proceedings against him and I do not intend to certify that his appeal is not taken in good

faith. Defendant's challenge to his sentence is not wholly frivolous. A reasonable person could suppose that it has some merit. Cf. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000). Therefore, I will grant him leave to proceed on appeal in forma pauperis.

ORDER

IT IS ORDERED that defendant Shane Bradley's request for leave to proceed in forma pauperis on appeal is GRANTED.

Entered this 29th day of October, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge